

### **REMARKS**

Claims 1-24 are pending in the application, of which claims 1 and 13 are independent. Claims 1 and 13 are amended. No new matter is added. The following comments address all stated grounds for objection or rejection, and place the presently pending claims, as identified above, in condition for allowance.

#### **I. Claim Amendments**

In light of the Examiner's suggestion on page 8 of the Office Action, Applicants amend independent claims 1 and 13. Support for the amendments can be found throughout the Specification and specifically at paragraph [0066] of the present Application Publication No. 2004/0243018.

Claim 1 is amended to recite “providing anthropometric data indicative of adequate coupling between the electrodes and the body part,” and “determining whether the plurality of electrodes are suitably coupled to the body part based on a comparison of the bipolar electrode assessment measurement to the anthropometric data.”

Claim 13 is amended to recite “a memory module containing anthropometric data indicative of adequate coupling between the electrodes and the body part,” and “an electrode assessment module for determining whether the plurality of electrodes are suitably coupled to the body part based on a comparison of the bipolar electrode assessment measurement to the anthropometric data.”

#### **II. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-2, 7-11, 13-14 and 19-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,122,544 to Organ (hereafter “Organ”) in view of U.S. Patent No. 6,391,024 to Sun et al. (hereafter “Sun”).

Claims 12 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Organ reference in view of the Sun reference further in view of U.S. Patent No. 5,419,337 to Dempsey et al. (hereafter “Dempsey”).

Claims 4-6 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Organ reference in view of the Sun reference further in view of U.S. Patent No. 5,372,141 to Gallup et al. (hereafter “Gallup”).

Claims 4-6 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Organ reference in view of the Sun reference further in view of U.S. Patent No. 5,788,643 to Feldman et al. (hereafter “Feldman”).

Applicants respectfully submit that the combination of the Organ reference and the Sun reference fail to teach or suggest *determining whether the plurality of electrodes are suitably coupled to the body part based on a comparison of the bipolar electrode assessment measurement to the anthropometric data*, as recited in amended claims 1 and 13.

The Organ reference teaches scanning the presence (or absence) of breast anomalies, particularly benign and malignant tumors based on the organ’s impedance characteristics. *See* Col. 2, lines 22-32. In the Organ reference, the electrical impedance is measured by using four electrodes. *See* Col. 4, lines 14-15. The Organ reference further teaches that the electrodes are attached to the skin side of a main section of an array and are made of an electrically conductive, self adhesive material so that when the array is positioned in the skin and pressed against it, the adhesive quality of the electrodes assures good skin fixation. *See* Col. 4, lines 49-54.

As indicated by the Examiner on page 4 of the Office Action, the Organ reference does not teach or suggest an electrode assessment measurement that includes a bipolar measurement. As such, Organ does not teach or suggest *determining whether the plurality of electrodes are suitably coupled to the body part based on a comparison of the bipolar electrode assessment measurement to the anthropometric data*, as recited by amended claims 1 and 13.

The Examiner relies on the Sun reference to cure the deficiencies of the Organ reference.

The Sun reference teaches assessing the adequacy of contact between ablation electrode carried by an electrode and biological tissue within a biological organ having biological fluid therein. The Sun reference also teaches positioning the ablation electrode in the in the biological fluid; positioning a reference electrode at a distance from the first electrode and obtaining a reference impedance value by measuring the impedance between the ablation electrode and the

reference electrode. In the Sun reference, the ablation electrode is moved to a position near or next to the biological tissue to obtain an assessment impedance value by measuring the impedance between the ablation electrode and the reference electrode. The Sun reference then analyzes the assessment impedance and the reference impedance to indicate the state of electrode/tissue contact. *See* Col. 3, lines 37-50.

As such, the Sun reference requires calculating at least two impedances to determine the adequacy of contact. A comparison is made of the two measurements in order to determine the adequacy of contact. In contrast, claims 1 and 13 recite one bipolar electrode assessment measurement that is compared to the anthropometric data to determine the quality of contact. The Sun reference, alone or in combination with the Organ reference, do not teach or suggest *determining whether the plurality of electrodes are suitably coupled to the body part based on a comparison of the bipolar electrode assessment measurement to the anthropometric data*, as recited by amended claims 1 and 13.

For at least these reasons, Applicants respectfully contend that neither Organ nor Sun teach or suggest, alone or in combination, all of the patentable features of claims 1 and 13, as amended. Claims 2-12 depend, directly or indirectly, from claim 1, and therefore incorporate all of the patentable features of claim 1. Claims 14-24 depend, directly or indirectly, from claim 13, and therefore incorporate all of the patentable features of claim 13.

Applicants respectfully submit that the prior art of record does not teach or suggest *determining whether the plurality of electrodes are suitably coupled to the body part based on a comparison of the bipolar electrode assessment measurement to the anthropometric data*, as recited by amended claims 1 and 13. Dependent claims incorporate each and every element of the independent claim upon which they depend.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of claims 1-24 under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. BEW-005. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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